

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Richard J. Klein,
Petitioner

vs.

Case No. 1:01cv794
(Beckwith, J.; Black, M.J.)

Harold Carter,
Respondent

ORDER

On May 20, 2005, the Magistrate Judge recommended that petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be denied. (Doc. 80). The District Court subsequently adopted the Report and Recommendation, declining to issue a certificate of appealability and denying *in forma pauperis* status for appeal purposes. (Doc. 82). On July 22, 2005, petitioner filed a notice of appeal with the filing fee, and a motion for a certificate of appealability. (Docs. 85, 86). This matter is before the Court on petitioner's two motions for an extension of time to file a notice of appeal and a certificate of appealability (Docs. 84, 87) and petitioner's motion for a certificate of appealability. (Doc. 85).

Because petitioner has already filed his notice of appeal and his filing fee (Doc. 86), an extension of time is unnecessary. Moreover, this Court has ordered that a certificate of appealability not issue in the present case. (*Id.*). Accordingly, petitioner's motions for an extension of time (Docs. 84, 87) and petitioner's motion for a certificate of appealability (Doc. 85) are hereby DENIED as moot.

Date: July 27, 2005
hr

s/Sandra S. Beckwith
Sandra S. Beckwith, Chief Judge
United States District Court